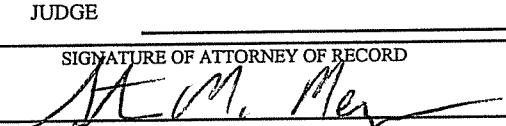


The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> OLIVO, FRANCES		<b>DEFENDANTS</b> NASH CONTRACTING, INC. and SULLIVAN, JON M.	
(b) County of Residence of First Listed Plaintiff <u>Camden, NJ</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>Worcester, MA</u> (IN U.S. PLAINTIFF CASES ONLY)	
(c) Attorney's (Firm Name, Address, and Telephone Number) PANSINI & MEZROW, 1525 Locust Street, 15 <sup>th</sup> Floor, Philadelphia, PA 19102 215-732-5555		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  Attorneys (If Known)	
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> PTF <input type="checkbox"/> DEF
<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)		<b>TORTS</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	
		<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	
		<input type="checkbox"/> PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
		<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	
		<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
		<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
		<b>CONTRACT</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
		<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW/W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
		<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	
		<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	
		<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	
		<b>FORFEITURE/PENALTIES</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>BANKRUPTCY</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
		<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
<b>V. ORIGIN</b> (Place an "X" in One Box Only)		Appeal to District Judge from Magistrate Judge	
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):			
<b>VI. CAUSE OF ACTION</b>		Brief description of cause: Rear-End MVA	
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$
		CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>VIII. RELATED CASE(S) IF ANY</b>		(See instructions): JUDGE DOCKET NUMBER	
DATE	SIGNATURE OF ATTORNEY OF RECORD		
6/1/11			
FOR OFFICE USE ONLY		Steven M. Mezrow	
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Plaintiff, Frances Olivo, 407 Hialeah Drive, Cherry Hill, NJ 08002

Address of Defendant: Defendant: Nash Contracting, Inc., 209 North Main Street, North Brookfield, MA 01535; Defendant: Jon M. Sullivan, 27 Mill Road, North Brookfield, MA 01535

Place of Accident, Incident or Transaction: Kaighn Avenue & Chestnut Street, Cherry Hill, NJ

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY: None

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

CIVIL: (Place ✓ in ONE CATEGORY ONLY)

*C. Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases

(Please specify)

*B. Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

*(Check Appropriate Category)*

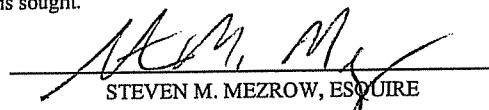
\_\_\_\_\_, Steven M. Mezrow, Esquire

, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 6/1/11

  
STEVEN M. MEZROW, ESQUIRE

43746

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/1/11

  
STEVEN M. MEZROW, ESQUIRE

43746

Attorney I.D.#

CIV. 609 (6/08)

OR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Plaintiff, Frances Olivo, 407 Hialeah Drive, Cherry Hill, NJ 08002

Address of Defendant: Defendant: Nash Contracting, Inc., 209 North Main Street, North Brookfield, MA 01535; Defendant: Jon M. Sullivan, 27 Mill Road, North Brookfield, MA 01535

Place of Accident, Incident or Transaction: Kaignn Avenue & Chestnut Street, Cherry Hill, NJ

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

RELATED CASE, IF ANY: None

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

*Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
0.  Social Security Review Cases
1.  All other Federal Question Cases

(Please specify)

*B. Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

*(Check Appropriate Category)*

Steven M. Mezrow, Esquire, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

ATE: 6/1/11

43746

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

ATE: 6/1/11

43746

Attorney I.D.#

IV. 609 (6/08)

STEVEN M. MEZROW, ESQUIRE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

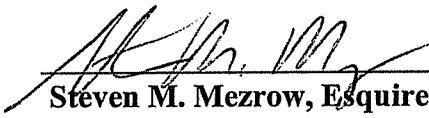
Frances Olivo : CIVIL ACTION  
:  
v. :  
Nash Contracting, Inc. :  
and : NO.  
Jon M. Sullivan :

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

6/1/11  
\_\_\_\_\_  
Date  
215-732-5555  
\_\_\_\_\_  
Telephone  
(Civ. 660) 10/02

  
\_\_\_\_\_  
Steven M. Mezrow, Esquire  
215-732-7872  
\_\_\_\_\_  
FAX Number

\_\_\_\_\_  
**Frances Olivo**  
Attorney for Plaintiff  
smezrow@pansinilaw.com  
\_\_\_\_\_  
E-Mail Address

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Frances Olivo :  
V. : Civil Action  
Nash Contracting, Inc., and :  
Jon M. Sullivan : No:  
:

DISCLOSURE STATEMENT FORM

Please check one box:

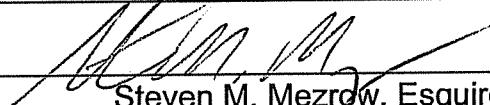
- The nongovernmental corporate party, Nash Contracting, Inc., in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.
- The nongovernmental corporate party, \_\_\_\_\_, in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

---

---

---

6/1/11  
Date

  
Steven M. Mezrow, Esquire

Counsel for: Plaintiff, Frances Olivo

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

- (a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file two copies of a disclosure statement that:
- (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or
  - (2) states that there is no such corporation.
- (b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:
- (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and
  - (2) promptly file a supplemental statement if any required information changes.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**FRANCES OLIVO**

407 Hialeah Drive  
Cherry Hill, NJ 08002

CIVIL ACTION

Plaintiff

v.

NO.

**NASH CONTRACTING, INC.**

209 North Main Street  
North Brookfield, MA 01535

and

**JON M. SULLIVAN**

27 Mill Road  
North Brookfield, MA 01535

Defendants

**CIVIL ACTION COMPLAINT  
PERSONAL INJURY-MOTOR VEHICLE ACCIDENT**

Plaintiff, Frances Olivo, by and through her attorneys, Pansini & Mezrow, aver as follows upon causes of action set forth below:

**PARTIES**

1. Plaintiff, **FRANCES OLIVO**, is an adult individual residing at 407 Hialeah Drive, Cherry Hill, NJ 08002.
2. Defendant **NASH CONTRACTING, INC.**, is a Pennsylvania corporation and/or a foreign corporation and/or an unincorporated association and/or a public corporation and/or a partnership and/or a sole proprietorship which, at all relevant times herein has engaged in business within the County of Philadelphia, Commonwealth of Pennsylvania, on a regular, systematic, continuous and substantial basis and has offices

at 209 North Main Street, North Brookfield, MA 015235.

3. Defendant, **JON M. SULLIVAN**, is an adult individual residing at 27 Mill Road, North Brookfield, MA 01535 who at all relevant times herein has engaged in business within the County of Philadelphia, Commonwealth of Pennsylvania, on a regular, systematic, continuous and substantial basis.

## **JURISDICTION AND VENUE**

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 as this action is between citizens of different States. The amount in controversy exceeds One Hundred Fifty Thousand (\$150,000.00) Dollars. Plaintiff demands trial by jury pursuant to Fed.R.C.P. 38(b).

## **FACTS**

5. On or about June 19, 2009, the Defendant **JON M. SULLIVAN** possessed, controlled and/or operated a certain motor vehicle owned by Defendant, **NASH CONTRACTING, INC.**, which was involved in the accident hereinafter described.

6. Upon information and belief, at all times relevant hereto, Defendant **JON M. SULLIVAN** was acting as the employee, agent and/or servant of Defendant **NASH CONTRACTING, INC.**.

7. On the aforesaid date, the Defendants' vehicle was being operated on or about Kaighn Avenue (also known as "Route 38"), at or near its intersection with Chestnut Street, in Cherry Hill, New Jersey, when it was so carelessly, negligently and recklessly

operated and controlled that it was caused to collide with and strike the motor vehicle being operated by Plaintiff, **FRANCES OLIVO**, which vehicle was then and there lawfully upon the highway at the time and place aforesaid.

8. At all times relevant hereto, Defendants acted in reckless disregard for the safety of individuals on the highway, including **FRANCES OLIVO**.

9. The carelessness, negligence and recklessness of the Defendants, **NASH CONTRACTING, INC.**, by and through their agent, servant, workman and/or employee, **JON M. SULLIVAN**, consisted of the following:

- (a) operating said motor vehicle at a high and excessive rate of speed under the circumstances;
- (b) failing to have said motor vehicle under proper and adequate control;
- (c) failing to ensure that a travel lane was unoccupied by another vehicle before traveling into it;
- (d) failing to give proper and sufficient warning of the approach of said vehicle;
- (e) failure to pay attention while operating said motor vehicle;
- (f) failing to yield in an intersection;
- (g) hiring an inexperienced driver;
- (h) failing to properly maintain said vehicle, including but not limited to the vehicle's safety, drive and brake system;
- (i) failing to properly perform pre-trip and post-trip inspections of said vehicle including but not limited to inspection of the vehicle's safety, drive and brake systems;

- (j) failing to properly train **JON M. SULLIVAN** in the performance of safety inspections, and the operation and use of said vehicle;
- (k) failing to properly supervise **JON M. SULLIVAN**; and
- (l) acting in reckless disregard for the safety of individuals on the highway, including **FRANCES OLIVO**;

10. The carelessness, negligence and recklessness of the Defendant, **JON M. SULLIVAN**, individually and/or as the agent, servant, workman and/or employee of Defendant **NASH CONTRACTING, INC.**, consisted of the following:

- (a) operating said motor vehicle at a high and excessive rate of speed under the circumstances;
- (b) failing to have said motor vehicle under proper and adequate control;
- (c) failing to ensure that a travel lane was unoccupied by another vehicle before traveling into it;
- (d) failing to give proper and sufficient warning of the approach of said vehicle;
- (e) failure to pay attention while operating said motor vehicle;
- (f) failing to properly maintain said vehicle, including but not limited to the vehicle's safety, drive and brake system;
- (i) failing to properly perform pre-trip and post-trip inspections of said vehicle including but not limited to inspection of the vehicle's safety, drive and brake systems; and
- (j) failing to be properly trained in the performance of safety inspections, and the operation and use of said vehicle.

11. By reason of the aforesaid negligence of the Defendants jointly and severally

as hereinbefore alleged, the Plaintiff, **FRANCES OLIVO**, suffered severe and permanent injuries to her head, neck, back, arms and legs; she also sustained severe and permanent injuries to the bones, muscles, tendons, ligaments, nerves and tissues of her head, neck, back, arms and legs, including but not limited to a traumatic head injury, fracture of the C1 and C6 vertebrae, headaches, back pain and aggravation and/or exacerbation of all known and unknown preexisting medical conditions. The Plaintiff, **FRANCES OLIVO**, suffered internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, and a severe shock to her entire nervous system, and other injuries the full extent of which are not yet known. She has in the past and will in the future undergo severe pain and suffering as a result of which she has been in the past and will in the future be unable to attend to her usual duties and occupation, all to her great financial detriment and loss. The Plaintiff, **FRANCES OLIVO**, believes and therefore avers that her injuries are permanent in nature.

12. As a result of the aforesaid occurrence, the Plaintiff, **FRANCES OLIVO**, has been compelled, in order to effectuate a cure for the aforesaid injuries, to expend large sums of money for medicine and medical attention and may be required to expend additional sums for the same purposes in the future.

13. As a result of the aforesaid occurrence, the Plaintiff, **FRANCES OLIVO**, has been prevented from attending to her usual and daily activities and duties, and may be so prevented for an indefinite time in the future, all to her great detriment and loss.

14. As a result of the aforesaid occurrence, the Plaintiff, **FRANCES OLIVO**, has suffered physical pain, mental anguish and humiliation and may continue to suffer same

for an indefinite period of time in the future.

**WHEREFORE**, Plaintiff, **FRANCES OLIVO**, demands damages of the Defendants jointly and severally in a sum in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars plus costs and damages permitted by law.

**PANSINI & MEZROW**

**BY:**

  
**MICHAEL O. PANSINI, ESQUIRE**  
**STEVEN M. MEZROW, ESQUIRE**  
**Attorneys for Plaintiff**

**DATED: May 31, 2011**

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF PHILADELPHIA :

Frances Olivo, being duly sworn according to law, deposes and says that she is the Plaintiff in the foregoing action, and that the facts set forth in the Complaint \_\_\_\_\_ are true and correct to the best of her knowledge, information and belief. I understand that statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

*Frances M. Olivo*  
FRANCES OLIVO

DATE: 6/1/11